

# WOOTON | DAVIS | HUSSELL | ELLIS

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2019 JUN 25 AM 11:38

ATTORNEYS AT LAW

John D. Wooton

Jody Wooton

Christopher M. Davis

John F. Hussell, IV

Andrew L. Ellis

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

June 20, 2019

The Honorable Tera L. Salango  
Kanawha County Judicial Building  
111 Court Street  
Charleston, WV 25301

RE: Mountain State Company v. Southern Coal Corporation  
Civil Action No. 18-C-197  
Our File No. 30010-40

Dear Judge Salango:

I am pleased to report that the above-referenced civil action has been settled and resolved. Enclosed for your review and consideration is an original **Agreed Dismissal Order** (Order) in the above-referenced civil action. Should you have any questions regarding the enclosed Order, please feel free to contact my office. Please note that I have provided a copy of this correspondence to counsel of record. Thank you.

Yours very truly,

Andrew L. Ellis

ALE/rj  
Enclosure

cc: John F. Hussell, IV, Esquire  
John D. (Jody) Wooton, Jr., Esquire  
Clinton W. Smith, Esquire

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IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

MOUNTAIN STATE COMPANY,

Plaintiff,

v.

Civil Action No.: 18-C-197  
Honorable Judge Salango

SOUTHERN COAL CORPORATION,

Defendant.

2019 JUN 25 AM 11:38

CATHY S. SALANGO, JUDGE  
KANAWHA COUNTY CIRCUIT COURT

**AGREED DISMISSAL ORDER**


In accordance with the provisions of Rule 41 of the West Virginia Rules of Civil Procedure, Plaintiff, Mountain State Company, by counsel, Clinton W. Smith, and Defendant, Southern Coal Corporation, by counsel, John F. Hussell, IV, Andrew L. Ellis, John D. (Jody) Wooton, Jr., and the law firm of Wooton, Davis, Hussell & Ellis, PLLC, hereby announce to the Court that all claims by the Plaintiff against the Defendant have been fully settled, compromised, and adjusted. Therefore, the parties jointly stipulate that the Complaint should be dismissed with prejudice and move this Honorable Court to dismiss, with prejudice, all claims by the Plaintiff against the Defendant.

The Court being advised of the settlement and compromise of all claims by the Plaintiff against the Defendant does hereby grant said motion and does further **ORDER, ADJUDGE, and DECREE** that the Complaint, the claims by the Plaintiff against the Defendant, and this civil action are hereby **DISMISSED**, with prejudice, with each party to bear its own attorneys' fees and expenses, and this civil action shall be stricken from the active docket of this Court.

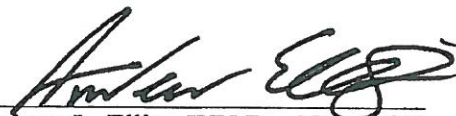
The Clerk is Ordered to forward attested copies of this Agreed Dismissal Order to all counsel of record.

C1058  
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Entered this 24<sup>th</sup> day of June, 2019.

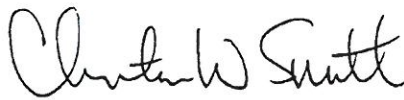
  
Honorable Tera Salango

Prepared and agreed by:

  
Andrew L. Ellis - WV Bar No. 10618  
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drew.ellis@wwdhe.com  
*Counsel for Defendant*

STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, SS  
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY  
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.  
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 5  
DAY OF December 2014  
Cathy S. Gatson CLERK  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Agreed to by:

  
Clinton W. Smith - WV Bar No. 3458  
405 Capitol Street  
Mezzanine Suite 4  
Charleston, WV 25301  
(304) 343-4498  
*Counsel for Plaintiff*

6/25/19  
C. Smith, A. Ellis  
J. Eaton